IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION NO. 5:10-HC-2145-FL ARTHUR A. BLUMEYER,) Petitioner,) v.) ORDER TRACY JOHNS,) Respondent.

Petitioner Arthur A. Blumeyer filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter is before the court for an initial review pursuant to 28 U.S.C. § 2243. It does not clearly appear from the face of the petition that the petitioner is not entitled to relief. Thus, the matter is ALLOWED to proceed.

Petitioner also filed a motion for expedited adjudication (DE # 2). A respondent is allowed twenty (20) days from the date of service of the petition to answer a petitioner's claims. See 28 U.S.C. § 2243. Therefore, petitioner's motion to expedite is DENIED. Nevertheless, as it has done to date, the court plans to consider this case as expeditiously as possible, consistent with the court's docket.

Finally, petitioner filed a motion for summary judgment (DE # 5). At this point in the proceedings, respondent has not yet been served with a copy of the petition. Accordingly, petitioner's motion for summary judgment is DENIED as premature.

In sum, petitioner's petition is allowed to proceed. Accordingly, the Clerk of Court is DIRECTED to maintain management of the matter. Petitioner's motion for expedited adjudication (DE # 2) is DENIED and his motion for summary judgment (DE # 5) is DENIED as premature.

SO ORDERED, this the $\frac{3^{-}}{2}$ day of October, 2010.

Chief United States District Judge